

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Clay Massi,)	C/A NO. 0:13-2950-CMC-PJG
)	
Plaintiff,)	
)	OPINION and ORDER
v.)	
)	
Walgreen Co.,)	
)	
Defendant.)	
_____)	

This matter is before the court on Plaintiff's *pro se* motion for reconsideration. ECF No. 90. Plaintiff argues he was "denied due process." Mot. at 1. Defendant has replied in opposition. ECF No. 91.

Plaintiff's motion is filed pursuant to Federal Rule of Civil Procedure 59. Plaintiff cites Rule 59(a)(2); however, as there was no trial in this matter, the motion is more properly considered under Rule 59(e).

The Fourth Circuit Court of Appeals has interpreted Rule 59(e) of the Federal Rules of Civil Procedure to allow the court to alter or amend an earlier judgment: "'(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.'" *Becker v. Westinghouse Savannah River Co.*, 305 F.3d 284, 290 (4th Cir. 2002) (quoting *Pac. Ins. Co. v. Am. Nat'l Fire Ins. Co.*, 148 F.3d 396, 403 (4th Cir. 1998)). "Whatever may be the purpose of Rule 59(e) it should not be supposed that it is intended to give an unhappy litigant one additional chance to sway the judge." *Atkins v. Marathon LeTourneau Co.*, 130 F.R.D. 625 (S.D. Miss. 1990).

Plaintiff's motion fails to establish that this court committed a clear error of law, or that he suffered a manifest injustice. Plaintiff was not only afforded notice and opportunity to participate in this case, but he was also provided the assistance of a *guardian ad litem* to aid him in understanding certain aspects of the case, an opportunity not usually afforded *pro se* litigants.

Plaintiff's motion for reconsideration is **denied**.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
April 21, 2015